



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

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Director

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Tiffany R. Severs

Regional Director

**DEPARTMENT OF ENVIRONMENTAL QUALITY
ENFORCEMENT ACTION –
AMENDMENT TO ORDER BY CONSENT
ISSUED TO
TOWN OF ELKTON
FOR
ELKTON STP
Permit No.: VA0026433**

SECTION A: Purpose

This is an Amendment of an Order by Consent (Amendment 2022) issued under the authority of Va. Code §§ 62.1-44.15 between the Department of Environmental Quality (Department) and the Town of Elkton, regarding the Elkton STP for the purpose of revising certain provisions of the Order by Consent (Order) issued by the Board to the Town of Elkton on May 17, 2018, and the subsequent Amendment of an Order by Consent issued to the Town of Elkton on July 14, 2020 (Amendment 2020). In 2022, the Virginia General Assembly passed Senate Bill 657 which transferred the authority to issue consent special orders from the State Water Control Board to the Department. This Amendment supersedes and cancels the Amendment 2020.

SECTION B: Basis for Amendment

1. Elkton owns and operates the Plant in Elkton, Virginia. The Permit allows Elkton to discharge treated sewage and other municipal wastes from the Plant to the South Fork of the Shenandoah River in compliance with the terms and conditions

of the Permit.

2. The Board entered into the Order with Elkton effective May 17, 2018 for increasing Plant size due to the average influent flow exceeding 95% of the authorized design capacity of the Plant. On July 13, 2020, DEQ issued Amendment 2020 to the Order, for the purposes of updating the Appendix A to the Order. The Order and the Amendment 2020 requires Elkton to:
 - a. Submit Certificate to Construct (CTC) application by April 6, 2019, completed March 28, 2019;
 - b. Secure funding by April 6, 2019, completed on March 28, 2019;
 - c. Acquire land by April 6, 2019, completed April 5, 2019;
 - d. Advertise for bids by May 11, 2019, completed on October 29, 2019;
 - e. Award contract for construction by August 31, 2020 not completed;
 - f. Begin construction by October 31, 2020;
 - g. Apply for CTO by July 31, 2022;
 - h. Complete construction by September 30, 2022; and
 - i. Quarterly Reporting Requirements.
3. On September 19, 2022, DEQ received notification from Elkton that the project completion date has been extended due to delays caused by inclement weather, supply chain disruptions, and procurement issues.
4. By September 30, 2022, Elkton did not complete the construction of the new Plant, obtain a CTO, and update the Plant's Operations and Maintenance Manual to fully document the procedures of the upgraded Plant.
5. Amendment 2020, Appendix A, Item 4 states that: "Elkton shall upgrade the Plant to a capacity of at least 0.8 MGD, in accordance with the following schedule: (4) Complete construction, obtain a CTO, and revisit the Plant's Operations and Maintenance Manual to fully document operation and maintenance procedures of the upgraded Plant by September 30, 2022."
6. Va. Code § 62.1-44.31 states: "It shall be unlawful for any owner to fail to comply with any special order adopted by the Board, which has become final under the provisions of this chapter..."
7. Based on the information available to DEQ to date, Elkton is otherwise in compliance with the Order, the Amendment 2020, and is current with all monitoring and reporting requirements.

SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Elkton, and Elkton agrees to:

1. Perform the actions described in Appendix A of this Amendment, which supersedes and cancels the Amendment 2020. Both the Board and Elkton understand and agree that this Amendment does not alter, modify or amend any other provision of the Order and that the unmodified provisions of the Order remain in effect by their own terms.

And it is so ORDERED this _____ day of _____, 2023.

Tiffany R. Severs, Regional Director
Department of Environmental Quality

Town of Elkton voluntarily agrees to the issuance of this Amendment.

Date: 03-07-23 By: [Signature], Town Manager
(Person) (Title)
Town of Elkton

Commonwealth of Virginia

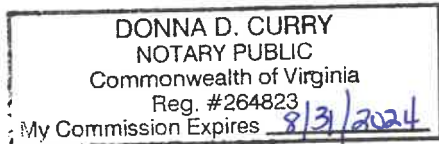
City/County of Rockingham

The foregoing document was signed and acknowledged before me this 7th day of March, 2023, by Greg Lunsford who is Town Manager of Town of Elkton on behalf of the Town of Elkton.

[Signature]
Notary Public

#264823

Registration No.



My commission expires: 8/31/2024

Notary seal:

APPENDIX A SCHEDULE OF COMPLIANCE

This Appendix A supersedes the Amendment issued to Elkton on July 14, 2020.

Plant Upgrades:

Elkton shall complete its upgrade the Plant to a capacity of at least 0.8 MGD, in accordance with the following schedule:

1. Substantially complete construction and make application for the Certificate to Operate (CTO) by **May 31, 2023**; and
2. Complete construction, obtain a CTO, and revisit the Plant's Operations and Maintenance Manual to fully document operation and maintenance procedures of the upgraded Plant by **July 31, 2023**.

General Requirements:

3. Elkton shall submit quarterly reports to DEQ, with the first report being due April 10, 2022. Subsequent quarterly progress reports will be due July 10, and October 10, along with the Plant's DMR until cancellation of this Amendment. The quarterly progress reports shall contain:
 - a. A summary of all work completed since the previous quarterly progress report in accordance with this order;
 - b. A project of the work to be completed in the upcoming quarterly period in compliance with this Amendment; and
 - c. A statement regarding any anticipated problems in complying with this Amendment.
4. No later than 14 days following a date identified in the above schedule of compliance, Elkton shall submit to DEQ's Valley Regional Office a written notice of compliance or noncompliance with the scheduled item. In the case of noncompliance, the notice shall include the cause of the noncompliance, any remedial actions taken, and the probability of meeting the next scheduled item.

DEQ Contact:

Unless otherwise specified in this Amendment, Elkton shall submit all requirements of Appendix A of this Amendment to:

Celeste Horton, Enforcement Specialist
VA DEQ, Valley Regional Office
PO Box 3000, Harrisonburg, VA 22801
Celeste.Horton@deq.virginia.gov